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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR         | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|------------------------------|---------------------|------------------|
| 10/647,384      | 08/26/2003  | Roger Johannes Maria Peeters | 0142-0422P          | 2049             |

2292 7590 04/19/2006

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| EXAMINER |
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MORRISON, THOMAS A

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| ART UNIT | PAPER NUMBER |
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3653

DATE MAILED: 04/19/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

|                              |                    |                |  |
|------------------------------|--------------------|----------------|--|
| <b>Office Action Summary</b> | Application No.    | Applicant(s)   |  |
|                              | 10/647,384         | PEETERS ET AL. |  |
|                              | Examiner           | Art Unit       |  |
|                              | Thomas A. Morrison | 3653           |  |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 03 February 2006.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 2-5,7,8,11 and 12 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 2-5,7,8,11 and 12 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 26 August 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)             | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

## DETAILED ACTION

### *Drawings*

1. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, (1) the recited clutches of claims 7 and 8; (2) the recited control means of claims 7 and 8; and (3) the recited deposition means for selectively depositing sheets in N sheet deposition locations of claim 11 must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner,

the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

***Claim Objections***

2. Claim 11 is objected to because of the following informalities: (1) "guide member" in line 5 of claim 11 should be -- guide members --. Appropriate correction is required.

***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 2-5, 7-8 and 11-12 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 11 recites a plurality of supports in lines 1-2. After this, claim 11 recites detachable supports in line 9. Then, claim 11 recites each support in line 9. It is unclear if "each support" refers back to the detachable supports in line 9 or the plurality of supports in lines 1-2.

Claim 11 also recites N+1 guide members in line 5. Then, claim 11 recites the guide member in lines 9 and 10. It is unclear which guide member is referred to in line 9 and line 10.

Regarding claim 3, it is unclear if the recited supports in claim 3 refer back to the detachable supports in line 9 of claim 11 or the plurality of supports in line 2 of claim 11.

Regarding claim 12, this claim recites said sheet deposition location which implies one sheet deposition location. However, claim 11 from which claim 12 depends appears to recite sheet deposition locations (i.e., possibly multiple sheet deposition locations). Thus, it is unclear which of the sheet deposition locations is referred back to in claim 11, by the recited "said sheet deposition location" in claim 12.

Regarding claim 12, it is unclear which of the N+1 guide members is referred to by the recited "the other guide member".

Claim 12 recites the limitation "sheet deposition position" in line 3. There is insufficient antecedent basis for this limitation in the claim.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 2-5, 7, 11 and 12, as best understood, are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 3,721,435 (Zanders).

Regarding independent claim 11, Figs. 1-3 show a sheet deposition system for depositing sheets on at least one of a plurality of supports (including 13) comprising:

deposition means (including 17) for selectively depositing sheets in N sheet deposition locations (i.e., below 18), N being an Integer > or = 1;

N+1 (i.e., 2) guide members (10 and 11) for guiding the supports (including 13), the guide members (10 and 11) being vertically arranged such that each of the sheet deposition locations (1 deposition location below 18) has an associated lower guide member (11) and an associated higher guide member (10);

a plurality of points of suspension (notches shown in Fig. 3) on each of the guide members (10 and 11) for suspending detachable supports (14) thereon such that each support (14) can be detached from the guide member (10 and/or 11) regardless of its position on the guide member (10 and/or 11); and

drive means (column 3, lines 64-75) for driving the guide members (10 and 11) and enabling the passing of at least one support (including 13) from one of the guide members (10) to an adjacent one of the guide members (11).

With regard to the detachable support limitation, column 3, lines 31-37 of the Zanders patent disclose that, "the desired number of folders 13 is obtained from a single band of cardboard or like material by having it folded suitably in zig-zag manner. Thus, the adjacent flaps or **panels of adjacent folders are hinged together by the folds** at their upper edges, and **a single suspension rod 14 suffices for each of those folds.**" (emphasis added). With this fold and rod arrangement, it is the examiner's position that each detachable support 14 (i.e., suspension rod 14) can be detached from each folder 13 and each guide member (10 or 11) by grabbing an end of such suspension rod 14 and pulling it out from the guide member (10 or 11) (i.e., pulling the rod 14 in a direction out of the page of Fig. 3, until it is detached from the guide member).

Regarding dependent claim 2, Figs. 1-3 show that the guide members (10 and 11) are endless.

Regarding dependent claim 3, Figs. 1-3 show that the number of supports (including 13) is at least 3.

Regarding dependent claim 5, Figs. 1-3 show that each of the guide members (10 and 11) is composed of one or more belts, or one or more chains, or one or more wires.

Regarding dependent claim 7, column 3, lines 65-75 disclose that each of the guide members (10 and 11) has an associated clutch for transmitting drive thereto, the system further comprising control means for selectively activating at least one of the clutches. In particular, each guide is associated with the disclosed clutch and the claim does not preclude a single clutch from being used.

Regarding dependent claim 12, Fig. 3 shows that a portion of one of the guide members (11) associated with the sheet deposition location (below 18) extends beyond (i.e., extends to the right of) a portion of the other guide member (10) associated with the sheet deposition position.

***Claim Rejections - 35 USC § 103***

5. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 3,721,435 (Zanders) as applied to claim 7 above, and further in view of U.S. Patent No. 5,046,641 (Gray). The Zanders patent discloses all of the elements of claims 8 and 10, except for a tooth clutch, as claimed. In fact, column 3, lines 65-75 of

the Zanders patent disclose that a clutch and gears can be used to provide power to the guide members 10 and 11 (i.e., belts 10 and 11). Zanders also indicates that the mechanism that drives the belts (i.e., guide members 10 and 11) can be provided in various ways evident to one skilled in the art.

The Gray patent discloses that it is well known to provide an apparatus with belts operated via gears and a tooth clutch (including 62 and 63). See, e.g., Fig. 3 of Gray. Gray explains that such tooth clutch allows fewer gears to be used. See e.g., column 9, lines 24-27. It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the apparatus of the Zanders patent with a tooth clutch in order to limit the number of gears needed to operate Zanders apparatus, as taught by Gray.

### ***Response to Arguments***

6. Applicant's arguments filed 02/03/2006 have been fully considered but they are not persuasive. Applicant argues that

As the Examiner will note, original claims 1 and 6 have been replaced with newly added claims 11 and 12 so as to clearly recite that the supports are detachable in respective of the position of the support along guide member on which it is suspended. Neither the Yamada et al. reference, U.S. Patent No. 6,231,045 or the Zanders reference, U.S. Patent No. 3,721,435 show or even remotely indicate that the trays disclosed therein can be detached and/or removed. As discussed in col. 3, of the Zanders patent, the sheet sorting compartment C of the apparatus is formed by folded sheets 13 made from cardboard or folders employed in filing cabinets and the like. The upper edge of each panel of each folder 13 is provided with a suspension rod 14, the ends of which protrude beyond the ends of the folder panel and engage in notches, that is between the teeth of the belts of one of the belt pairs 9, 10 or 11. Thus, it is readily apparent that the suspension rods 14 are part of the support assembly and these are enclosed between the guide member 11 and the guide rails 12, 15 and



16 which can never be removed to an arbitrary position of the support on the guide member, as is the case in the present invention.

As explained above in the argument with regard to independent claim 11, column 3, lines 31-37 of the Zanders patent disclose that, "the desired number of folders 13 is obtained from a single band of cardboard or like material by having it folded suitably in zig-zag manner. Thus, the adjacent flaps or **panels of adjacent folders are hinged together by the folds** at their upper edges, and **a single suspension rod 14 suffices for each of those folds.**" (emphasis added). With this fold and rod arrangement, it is the examiner's position that each detachable support 14 (i.e., suspension rod 14) can be detached from each folder 13 and each guide member (10 or 11) by grabbing an end of such suspension rod 14 and pulling it out from the guide member (10 or 11) (i.e., pulling the rod 14 in a direction out of the page of Fig. 3, until it is detached from the guide member). Thus, the rods 14 (detachable supports 14) can be pulled horizontally out of the guides, rather than vertically as asserted in applicant's 2/3/06 response, in order to detach such rods 14.

#### ***Allowable Subject Matter***

7. Claim 4 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

#### ***Conclusion***

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See

MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thomas A. Morrison whose telephone number is (571) 272-7221. The examiner can normally be reached on M-F, 8am - 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kathy Matecki can be reached on (571) 272-6951. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should

Art Unit: 3653

you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

04/15/06

A handwritten signature in cursive script that reads "Kathy Matecki".

**KATHY MATECKI  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 3600**